

**IN THE UNITED STATES DISTRICT COURT
FOR THE STATE OF NEW MEXICO**

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

01 FEB -2 PM 1:25

**STATE OF NEW MEXICO, *ex rel.*
State Engineer**

Plaintiff,

v.

RAMON ARAGON, *et al.*,

Defendants.

69cv07941 JEC-ACE

**RIO CHAMA STREAM SYSTEM
Rio Gallina, Section 5**

MOTION TO SET ASIDE ENTRY OF DEFAULT

COMES NOW the plaintiff, State of New Mexico, *ex rel.*, State Engineer, by and through his attorneys, and moves the Court to set aside the clerk's entry of default for the following defendants:

Selustriano Gonzales, Jr.	CHGA-02-0009
Roger Jacquez	CHGA-03-0011

As grounds therefor plaintiff states:

1. The plaintiff's Application for Entry of Default (6061) with respect to the above defendants was filed with the federal district court on December 5, 2000. The Clerk's Certificate of Default (6063) was entered on December 8, 2000.

2. On January 18, 2001, Selustriano Gonzales, Jr. signed and approved a Consent Order in subfile CHGA-01-0009A (formally part of subfile CHGA-02-0009) and forwarded said order to the State Engineer.

3. On December 8, 2000, the State Engineer received an Answer from Roger Jacquez in subfile CHGA-03-0011 stating while in some respects he was in agreement with the mapping of

6.152

irrigated tracts under that subfile, he had no interest in one particular tract that had been included, and also stating that other irrigated land that he owned had been erroneously omitted. The State Engineer believes that additional research and field work will be necessary in this subfile to correctly adjudicate the water rights involved.

WHEREFORE, the plaintiff State of New Mexico requests the Court to set aside the entry of default for defendants Selustriano Gonzales, Jr. and Roger Jacquez, and to enter the Consent Order approved by Selustriano Gonzales, Jr, in subfile CHGA-02-0009A.

Respectfully submitted,



EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 827-6150

CERTIFICATE OF SERVICE

I certify that the foregoing Motion to Set Aside Entry of Default was mailed to the following persons on February 2, 2001.



Edward G. Newville

Special Master Vickie L. Gabin
USDC-DCNM
P.O. Box 2384
Santa Fe, NM 87504-2384

Darcy S. Bushnell, Esq.
Adjudication Staff Attorney
USDC-DCNM
333 Lomas Blvd. NW, Box 610

Albuquerque, NM 87102-2272

Karla McCall, Data Manager.
4 Darrah Rd.
Las Lunas, NM 87031

Bradley S. Bridgewater, Esq.
David W. Gehlert, Esq.
USDOJ-ENRD
999 18th St., Suite 945
Denver, CO 80202

Mary E. Humphrey, Esq.
P.O. 1574
El Prado, N.M. 87529-1574

John W. Utton, Esq.
P.O. Box 271
Albuquerque, NM 87103-0271

Fred J. Waltz, Esq.
P.O. Box 6390
Taos, NM 87571

Ronald Boyd, Esq.
208 Griffin Street
Santa Fe, NM 87501